

The Zoning Ordinance for the Town of Fountain Hills

Chapter 11

MULTI-FAMILY ZONING DISTRICTS M-1, M-2, M-3, R-2, R-3, R-4 and R-5

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Section 11.01 Purpose and Intent.

- A. M-1. Multi-Family Residential Zoning District.** The principal purpose of this Zoning District is to provide for multiple-family residential developments in locations which are suitable and appropriate, taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is twenty-four thousand (24,000) square feet, and the minimum lot area required for each dwelling unit is five thousand, four hundred and forty-five (5,445) square feet, or eight dwelling units per acre. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.
- B. M-2. Multi-Family Residential Zoning District.** The principal purpose of this Zoning District is to provide for multiple-family residential developments in locations which are suitable and appropriate, taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is twenty-four thousand (24,000) square feet, and the minimum lot area required for each dwelling unit is four thousand, three hundred and fifty-six (4,356) square feet, or ten dwelling units per acre. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.
- C. M-3. Multi-Family Residential Zoning District.** The principal purpose of this Zoning District is to provide for multiple-family residential developments in locations which are suitable and appropriate, taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is twenty-four thousand (24,000) square feet, and the minimum lot area required for each dwelling unit is three thousand, six hundred and thirty (3,630) square feet, or twelve dwelling units per acre. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.
- D. R-2. Limited Multiple-Family Residential Zoning District** The principal purpose of this Zoning District is to provide for efficient use of land and facilities by allowing single-family attached or detached dwellings, taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is six thousand (6,000) square feet, and the minimum lot area required for each dwelling unit is four thousand (4,000) square feet. Principal uses permitted in this Zoning District include single-family, two-family, and other uses permitted in the single-family residential Zoning District.
- E. R-3. Multi-Family Residential Zoning District.** The principal purpose of these Zoning Districts is to provide for multiple-family residential developments in locations which are suitable and appropriate, taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is six thousand (6,000) square feet, and the minimum lot area required for each dwelling unit is three thousand (3,000) square feet. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.

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- F. R-4. Multi-Family Residential Zoning District.** The principal purpose of these Zoning Districts is to provide for multiple-family residential developments in locations which are suitable and appropriate taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is six thousand (6,000) square feet, and the minimum lot area required for each dwelling unit is two thousand (2,000) square feet. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.
- G. R-5. Multi-Family Residential Zoning District.** The principal purpose of these Zoning Districts is to provide for multiple-family residential developments in locations which are suitable and appropriate taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum required lot area is six thousand (6,000) square feet, and the minimum lot area required for each dwelling unit is one thousand, seven hundred, forty (1,740) square feet. Principal uses permitted in these Zoning Districts include two-family dwellings, multiple-family dwellings and the uses permitted in the single-family residential Zoning District.

Section 11.02 Permitted Uses

- A. For M-1, M-2, M-3, R-2, R-3, R-4 and R-5 Zoning Districts.** A building or premises shall be used only for the following purposes, unless otherwise stated:
1. One (1) single-family dwelling per lot of record.
 2. Two-family dwelling units.
 3. Churches, including accessory columbaria, provided that the building area of the columbaria shall not exceed ten (10) percent of the total building area of the church building(s).
 4. Public schools, elementary and high, and private schools with curricula substantially the same as customarily offered in public schools.
 5. Utility Services, but not including public utility treatment plants, generating plants, and wireless communications towers and antennas, unless otherwise specifically permitted elsewhere in the ordinance.
 6. Publicly or privately owned or operated fire stations, and publicly owned or operated police stations and post offices.
 7. Golf courses including club houses located thereon, but not including miniature courses or practice driving ranges operated for commercial purposes.
 8. Libraries, museums, parks, playgrounds, and community buildings, provided such uses are conducted on a non-profit basis.
 9. Home occupations as prescribed in Chapter 5, Section 5.14, of this Ordinance.

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10. Home Day Care Center in an operator's residence, with no swimming pool, for five or less people, operation only between the hours of 6:00 A.M. and 8:00 P.M. No signage, or other evidence of a day care center is permitted. One additional off-street parking space is required.
 11. Group Homes for the Handicapped and Elderly Care, provided that:
 - a. No such home is located on a lot within one thousand - two hundred (1,200) feet, measured by a straight line in any direction, of the exterior lot lines of another group home for the handicapped and elderly care;
 - b. No such home contains more than ten (10) residents;
 - c. Such home is licensed by the State of Arizona Department of Health Services;
 - d. Such home is registered with, and administratively approved by the Community Development Director or designee, as to compliance with the standards of this Ordinance.
 12. Accessory buildings and uses customarily incidental to the above uses, including those uses detailed in Chapter 5, Section 5.10 of this Ordinance.
- B. An Additional Permitted Use in M-1, M-2, M-3, R-3, R-4, and R-5 Zoning Districts** is multi-family units in accordance with the lot coverage, setback, density and other requirements stated in Chapter 11, Section 11.09, of this Ordinance.

Section 11.03 Uses Subject to Special Use Permit in an M-1, M-2, M-3, R-3, R-4, and R-5 Zoning District are as follows:

- A. Hotels and motels in an R-5 Zoning District only.
- B. Nursing homes, convalescent homes and homes for the aged.
- C. Non-residential building over 30 feet in height, but not to exceed 40 feet in height.

All uses subject to a special use permit are subject to the lot coverage, setback, density and other requirements stated in Chapter 11, Section 11.09, of this Ordinance. Sign regulations for an C-1 Zoning District are applicable for a hotel/motel use in an R-5 Zoning District.

Section 11.04 Uses Subject to Temporary Use Permit:

- A. Day Care Center for the Care of More Than Five (5) People.** A day care center for the care of more than five (5) people is permitted by temporary use permit only. A day care center for the care of more than five (5) people may be operated in these Zoning Districts with the following minimal stipulations:
 1. The Day Care Operator must reside in the house. If a non-residential facility is legally used for another purpose, such as a church building, this requirement may be waived.

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2. No more than ten (10) non-residents may be cared for in a residential structure.
3. Only one non-resident employee may be allowed and one (1) additional on-site parking space shall be required for this employee.
4. One non-tandem parking space shall be required for each five (5) persons, or fraction thereof, allowed in the day care center.
5. Any operation of a Day Care Center prior to 6:00 A.M. and after 8:00 P.M. is permitted only by Special Use Permit.
6. Only one sign not to exceed two (2) square feet in size and mounted flatly on the wall of the residence shall be permitted.
7. The play yard must be fenced with a minimum five (5) foot high fence.
8. No playground equipment and ornamental figures or designs denoting a Day Care Center shall be allowed in front of the house line.
9. Any Day Care Facility with a swimming pool or other applicable body of water as defined in Section 5.10.C. of this Ordinance must meet the requirements for a pool enclosure described in that Section.
10. Any Day Care Center which cares for more than five (5) people shall be licensed by the State of Arizona.

B. Bed and Breakfast. Bed and Breakfast operations may be permitted in these zones by Temporary Use Permit only. At a minimum the following standards shall apply.

1. No more than two (2) bedrooms per residence may be used for the business.
2. No more than two (2) persons per room.
3. One off-street, non-tandem parking space per bedroom.

C. Model Homes. Model Homes may be permitted in a residential area by Temporary Use Permit only. In the review for a model home, the staff, and if necessary, the Town Council, may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. As a minimum, the following standards shall apply:

1. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall a model home be open before 7:00 A.M. or after 9:00 P.M.
2. The model home shall be for the purpose of marketing the construction of custom homes or a tract subdivision with a given product line in Fountain Hills. A model home may not be used as an office for the marketing of developed property, or the marketing of property outside of Fountain Hills.

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- D. Master-Planned Village Sales and Information Center.** The developer of a master-planned village over 200 contiguous acres, may operate an information/sales facility within a residentially zoned area by temporary use permit only. In the review for a master-planned village sales/information center temporary use permit, the staff, and if necessary the Town Council, may consider lighting, landscaping, hours of operation, signage, parking, duration, and neighborhood impact. As a minimum, the following standards shall apply:
1. On-site sales personnel must be present at least five (5) days a week during normal business hours. In no case shall the center be open before 7:00 A.M. or after 9:00 P.M.
 2. The center shall be for the purpose of marketing the specific master-planned village and the distribution of material concerning the attributes of the Town and surrounding areas. The office may not be used as an office for the sales of houses, subdivisions with model homes, nor property outside of the master-planned village.
 3. There shall be at least twenty (20) off-street parking stalls provided.
 4. The center must be a permanent structure that meets the adopted building codes of the Town.
 5. There shall be no more than one such center in the master-planned village.
 6. The center shall be removed upon termination of the temporary use permit or the completion of the master developer's marketing activities, whichever comes first.
 7. Signage shall in conformance with Chapter 6, Section 6.07 of this ordinance.
 8. There shall be a landscape buffer of at least 150 feet between the sales and information center and any occupied residential structures.
 - a. Landscaped areas shall include an approved mixture of drought tolerant or other plant materials, and organic and non-organic ground cover materials. Landscaping shall consist of one plant for each 20 square feet of landscape area. At least twenty-five (25) percent of the plants shall be 15 gallon or greater plants and the remaining plants must be at least five gallon plants. The approval of the above mixture of landscape materials shall be by the Community Development Department staff with appeal to the Planning and Zoning Commission.
 - b. An automatic irrigation system shall be provided and maintained to all landscaped areas requiring water.
 - c. All landscaped areas adjacent to vehicular parking and access areas shall be protected by six (6) inch vertical concrete curbing in order to control storm water flows and minimize damage by vehicular traffic.

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Section 11.05 General Provisions:

The General Provisions in Chapter 5 shall apply.

Section 11.06 Signs:

All signs shall comply with Chapter 6 herein.

Section 11.07 Parking Regulations:

The parking regulations are as provided in Chapter 7 hereof.

Section 11.08 Outdoor Lighting:

All outdoor lighting shall conform to Chapter 8 herein.

Section 11.09 Plan Review.

The provisions of Chapter 2, Section 2.04 shall apply.

Section 11.10 Density, Area, Building and Yard Regulations:

The chart which follows specifies the minimum lot sizes, minimum area per dwelling unit, minimum lot widths, maximum building height, minimum yard setbacks, maximum lot coverage percentages, and minimum distance between buildings.

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FOUNTAIN HILLS ZONING ORDINANCE SUMMARY

MULTI-FAMILY DISTRICT

DISTRICT	LOT AREA (SQ.FEET)	AREA/ D.U.	WIDTH (FEET)	BLDG HEIGHT (FEET)	BLDG LENGTH (FEET)					LOT COVERAGE	DISTANCE BETWEEN BLDGS (FEET)
						MINIMUM YARD SETBACKS					
						FRONT	SIDE	STREET SIDE	REAR		
M-1	24,000	5,445	150	30 e	200 f	30 a	10b	30 a	30 a	50%	c
M-2	24,000	4,356	150	30 e	200 f	30 a	10b	30 a	30 a	50%	c
M-3	24,000	3,630	150	30 e	200 f	30 a	10b	30 a	30 a	50%	c
R-2	6,000	4,000	60	30	200 f	20 d	5	20 d	25 d	50%	10 g
R-3	6,000	3,000	60	30 e	200 f	30 a	10b	30 a	30 a	50%	c
R-4	6,000	2,000	60	30 e	200 f	30 a	10b	30 a	30 a	50%	c
R-5	6,000	1,740	60	30 e	200 f	30 a	10b	30 a	30 a	50%	c

- a. 1.5 times the height of the abutting building wall plane, whichever is greater.
- b. Or height of abutting building wall plane, whichever is greater.
- c. The horizontal separation must be at least equal to the vertical height of the highest adjacent building.
- d. Or height of the building, whichever is greater.
- e. By special use permit only, non-residential buildings may have a height over 30 feet, but not higher than 40 feet.
- f. Including any exterior stairwells.
- g. For inhabited structures. Accessory structures are regulated in Chapter 5, Section 5.06.